

**Translation**

**PATENT COOPERATION TREATY**

**PCT**

**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>BCT040058/JMG</b>		FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. <b>PCT/FR2004/001475</b>	International filing date (day/month/year) <b>11.06.2004</b>	Priority date (day/month/year) <b>19.06.2003</b>	
International Patent Classification (IPC) or national classification and IPC			
Applicant <b>SIDEL</b>			

  

<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>6</u> sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</p> <p style="margin-left: 40px;"><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</p> <p>b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>																	
<p>4. This report contains indications relating to the following items:</p> <table border="0"> <tr> <td><input checked="" type="checkbox"/> Box No. I</td> <td>Basis of the report</td> </tr> <tr> <td><input type="checkbox"/> Box No. II</td> <td>Priority</td> </tr> <tr> <td><input type="checkbox"/> Box No. III</td> <td>Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</td> </tr> <tr> <td><input type="checkbox"/> Box No. IV</td> <td>Lack of unity of invention</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. V</td> <td>Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td><input type="checkbox"/> Box No. VI</td> <td>Certain documents cited</td> </tr> <tr> <td><input checked="" type="checkbox"/> Box No. VII</td> <td>Certain defects in the international application</td> </tr> <tr> <td><input type="checkbox"/> Box No. VIII</td> <td>Certain observations on the international application</td> </tr> </table>		<input checked="" type="checkbox"/> Box No. I	Basis of the report	<input type="checkbox"/> Box No. II	Priority	<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability	<input type="checkbox"/> Box No. IV	Lack of unity of invention	<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	<input type="checkbox"/> Box No. VI	Certain documents cited	<input checked="" type="checkbox"/> Box No. VII	Certain defects in the international application	<input type="checkbox"/> Box No. VIII	Certain observations on the international application
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Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/FR2004/001475

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language \_\_\_\_\_, which is the language of a translation furnished for the purposes of:

- ☐ international search (Rule 12.3 and 23.1(b))  
☐ publication of the international application (Rule 12.4)  
☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

☐ the international application as originally filed/furnished

☒ the description:

pages 1-15 as originally filed/furnished

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

pages\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☒ the claims:

nos. 1-12 as originally filed/furnished

nos.\* \_\_\_\_\_ as amended (together with any statement) under Article 19

nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

nos.\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☒ the drawings:

sheets 1/6-6/6 as originally filed/furnished

sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

sheets\* \_\_\_\_\_ received by this Authority on \_\_\_\_\_

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages \_\_\_\_\_

☐ the claims, nos. \_\_\_\_\_

☐ the drawings, sheets/figs \_\_\_\_\_

☐ the sequence listing (*specify*): \_\_\_\_\_

☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages \_\_\_\_\_

☐ the claims, nos. \_\_\_\_\_

☐ the drawings, sheets/figs \_\_\_\_\_

☐ the sequence listing (*specify*): \_\_\_\_\_

☐ any table(s) related to sequence listing (*specify*): \_\_\_\_\_

\* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement		
1. Statement			
Novelty (N)	Claims	<u>1-12</u>	YES
	Claims		NO
Inventive step (IS)	Claims	<u>1-12</u>	YES
	Claims		NO
Industrial applicability (IA)	Claims	<u>1-12</u>	YES
	Claims		NO
2. Citations and explanations (Rule 70.7)			
1. Reference is made to the following document: D1: US-A-3825396			
2. D1, which is considered to be the prior art closest to the subject matter of claim 1, describes (the references between parentheses apply to said document) a moulding device for blow moulding or draw blow moulding containers from heated thermoplastic parisons, which device comprises at least one mould (10, 12) including at least two mould-halves (10, 12) mutually movable between an open position, in which they are spread apart, and a closed position, in which they are closely juxtaposed such that their respective bearing surfaces (see figure 3, 8) engage, thereby defining a land (26); latching means (28) are provided for latching the two mould-halves (10, 12) in the closed position; said latching means (28) include two latch elements (34, 36) mounted respectively on the two mould-halves (10, 12) along the edges of the respective bearing surfaces (see figure 3); <b>which differs from the device constituting the subject matter of claim 1 in that:</b> - the latch elements extend substantially over the			

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

- entire height of said mould-halves;
- each latch element comprises a multiplicity of projecting hook-shaped fingers distributed over the entire height of the latch element such that, on one latch element, they face away from the bearing surface of the corresponding mould-half and, on the other latch element, they face towards the bearing surface of the corresponding mould-half, said fingers (17, 18) of each latch element being substantially parallel and mutually spaced at intervals of which the individual height is slightly greater than the individual height of the fingers;
  - one of the latch elements is fixedly mounted on the corresponding mould-half and the other latch element is movably mounted on the other mould-half, so that it can slide parallel to the axis of the mould;
  - and actuating means functionally associated with said mobile latch element are provided to move same between two positions, namely
    - \* a first position or unlatched position 10 in which the fingers of the mobile latch element are respectively in the spaces between the fingers of the stationary latch element, and the two mould-halves are not latched together;
    - \* and a second position or latched position in which, the two mould-halves having first been juxtaposed in the closed position, the mobile latch element is moved parallel to the axis of the mould so that the fingers thereof

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;  
citations and explanations supporting such statement

respectively engage the fingers of the stationary latch element, and the two mould-halves are latched together in their closed position.

The subject matter of claim 1 is therefore novel and meets the requirement of PCT Article 33(2).

The technical effect associated with these features is that the latching/unlatching times of the two mould-halves are shorter (see page 7, lines 14 to 16 of the description).

The problem that the present invention is intended to solve can therefore be considered to be that of increasing the operating rate of the moulding device (see page 7, lines 17 to 22 of the description).

The features that differentiate claim 1 from D1 are neither known from the available documents nor obvious *per se*.

Consequently, the subject matter of said claim is inventive and also meets the requirements of PCT Article 33(3).

3. Claims 2 to 12 are dependent on claim 11 and thus also comply, as such, with the PCT requirements of novelty and inventive step.

## Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. The following minor points of a formal nature should also be taken into consideration.
  - 1.1 The expression "characterised in that" in dependent claims 2 to 11 should be "of which".
  - 1.2 Claim 1 has been drafted in two parts. However the features "the latching means (28) include two latch elements (34, 36) mounted respectively on the two mould-halves (10, 12) along the edges of the respective bearing surfaces (see figure 3)" should not appear in the characterising part, since they are disclosed in D1, in combination with the features set forth in the preamble (PCT Rule 6.3(b)).
  - 1.3 Contrary to the requirement of PCT Rule 5.1(a)(ii), the relevant prior art disclosed in D1 has not been indicated in the description, nor has said document been cited.